

Winston & Strawn LLP
333 South Grand Avenue
Los Angeles, CA 90071-1543

1 Neal R. Marder (SBN 126879)
nmarder@winston.com
2 Erin R. Ranahan (SBN 235286)
eranahan@winston.com
3 Andrew S. Jick (SBN 278943)
ajick@winston.com
4 **WINSTON & STRAWN LLP**
333 South Grand Avenue, 38th Floor
5 Los Angeles, CA 90071
Telephone: (213) 615-1700
6 Facsimile: (213) 615-1750

7 Attorneys for Plaintiff
WINERY EXCHANGE, INC.

8
9 **UNITED STATES DISTRICT COURT**
10 **NORTHERN DISTRICT OF CALIFORNIA**
11 **SAN FRANCISCO DIVISION**

12
13 WINERY EXCHANGE, INC.,

14 Plaintiff,

15 vs.

16 7-ELEVEN, INC., a Texas corporation;
and DOES 1 through 10,

17 Defendants.

Case No. CV11-6325-EMC

**JOINT STIPULATION TO CONTINUE
MEDIATION COMPLETION DATE
FROM OCTOBER 26, 2012 TO
NOVEMBER 14, 2012; AND
[PROPOSED] ORDER** resetting status

Current Date: October 26, 2012
New Proposed Date: November 14, 2012

Filed Concurrently with Declaration of Erin
Ranahan

WHEREAS, pursuant to Civil Local Rule 6-2, Plaintiff Winery Exchange, Inc., and Defendant 7-Eleven, Inc. (the “Parties”), respectfully request an order from the Court continuing the mediation completion date in this case from October 26, 2012 until and including November 14, 2012;

WHEREAS, on April 20, 2012, the Parties participated in a settlement conference with Magistrate Judge Laporte that was not successful;

WHEREAS, the Parties subsequently agreed to participate in private mediation, which they raised with the Court in their subsequent case management statement (Dkt. No. 67) and during the August 24, 2012 subsequent case management conference in this case;

WHEREAS, following the August 24 subsequent case management conference, on August 28, the Court ordered that private mediation between the Parties be completed within 60 days (Dkt. No. 69), which would make the mediation completion deadline October 26, 2012;

WHEREAS, the Parties have agreed to use Hon. Edward A. Infante (Ret.) to mediate this case, whose first available date is November 14, 2012;

WHEREAS, because November 14 works for all Parties, and because the Parties believe that using Hon. Edward A. Infante (Ret.) to mediate this case will maximize the chances for settlement, the Parties seek a brief extension of the mediation completion deadline, until November 14, 2012;

WHEREAS, pursuant to Civil Local Rule 6-2(a), the grounds for this Stipulation are also set forth in the Declaration of Erin R. Ranahan filed concurrently herewith;

WHEREAS because the Court has scheduled the next further status conference for November 16, which falls after the proposed mediation date, nothing in this Stipulated Request shall affect the timing of any other proceeding or motion in this case.

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WHEREAS, in accordance with N.D. Cal. General Order No. 45, Section X, the filer of this document hereby attests that the concurrence to the filing of this document has been obtained from the other signatory hereto.

IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

Dated: September 18, 2012

WINSTON & STRAWN LLP

By: /s/ Erin R. Ranahan

Neal R. Marder

Erin R. Ranahan

Andrew S. Jick

Attorneys for Plaintiff

WINERY EXCHANGE, INC

Dated: September 18, 2012

ARNOLD & PORTER LLP

By: /s/ James F. Speyer [with permission]

James F. Speyer

John D. Lombardo

Gabriel N. White

Attorneys for Defendant

7-ELEVEN, INC.

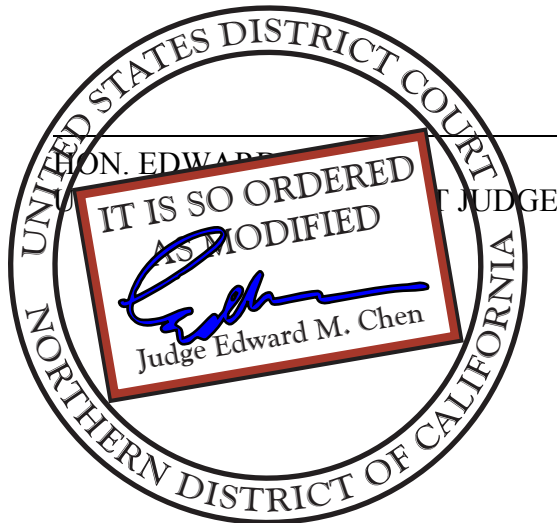
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[PROPOSED] ORDER

Upon consideration of the Parties' Joint Stipulation to Continue Mediation Completion Date from October 26, 2012 to November 14, 2012, and the supporting Declaration of Erin R. Ranahan, THE COURT HEREBY ORDERS THAT:

The Mediation Completion Deadline is hereby continued from October 26, 2012, to and including November 14, 2012. The status conference is reset from November 16, 2012 to December 7, 2012 at 10:30 a.m. An updated status report shall be filed by November 30, 2012.

Dated: September 20, 2012



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